the Chaplain

Anderson v. Laird: Compulsory Chapel Attendance at Service Academies. Full Texts of Opposing Briefs Submitted to the U.S. Supreme Court

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Retrospect — Cyprus 1972
By Lyman R. Coleman

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The Importance of Confidentiality
By Alex B. Aronis

•

You Have My Wholehearted Support!"
By John D. Ryan

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NEW DEPARTMENT: The General Commission "Honors List"

SPRING QUARTER
1973

the Chaplain

A JOURNAL FOR CHAPLAINS SERVING THE ARMED FORCES, VETERANS ADMINISTRATION AND CIVIL AIR PATROL

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From the Editors

THANK GOD, the cease-fire in Vietnam finally came! There were no widespread celebrations, only quiet, prayerful personal expressions of gratitude that the burden has been lifted at least in terms of American involvement in combat. The somberness of the relief can be traced to the heavy drain on the American spirit during these divisive, seemingly interminable hostilities.

Fifteen chaplains were among the thousands of Americans who died in Vietnam. Further tribute to them shall be given in these pages in a later issue, but let it be said here that they are and shall be remembered.

Now is the time to pray and work for a constructive and lasting peace in Southeast Asia. May God grant that the concerned nations shall begin to turn their immense energies to reconciliation and the binding up of the innumerable wounds the war has left in its wake.

•

IN RECENT YEARS there have been a number of sizeable disturbances and violent brawls with racial overtones in each of the military services. During the late summer and the fall of last year it was the Navy's turn to experience some of these flare-ups. The National Council of Churches spoke to these problems at its December meetings in Dallas, Texas. Because the human relations emphasis of their Resolution is of interest to chaplains, and because the Chairman of the General Commission, Dr. Harold Wilke, was instrumental in drafting and guiding the matter through the Council's processes, we present the full text of the statement:

National Council of the Churches
of Christ in the U.S.A.

Resolution on Racial Tensions and Violence
in the Armed Forces*

Adopted by the General Assembly
December 7, 1972

* Policy basis: Policy statement on HUMAN RIGHTS adopted by the General Assembly, December 6, 1963.

WHEREAS racial tensions aboard the aircraft carriers **Kitty Hawk** and **Constellation** and at two naval installations are alleged by some to be the result of "permissiveness" by the Navy rather than conditions of racial injustice and inequality of opportunity, and

WHEREAS it is unreasonable to assume that any Unit of the Armed Forces can be militarily sound or remain strong under stress if its personnel must live and work in an atmosphere of prejudice, injustice and inequality of opportunity in such matters as assignment, training, promotions and housing, and

WHEREAS historically, the military services have made some significant advances in the process of desegregation, and

WHEREAS The National Council of the Churches of Christ in the U.S.A. has consistently called for and supported efforts by all branches of government to assure equal opportunity and full dignity for all citizens,

THEREFORE Be it resolved that the General Assembly of the National Council of Churches of Christ in the U.S.A.:

1. Commends those civilian and military leaders of the Armed Forces who have restated their commitment and redoubled their efforts to achieve racial justice in the Armed Forces, at this time most notably Admiral Zumwalt of the Navy.

2. Urges the Department of Defense, the secretaries and military commanders of the separate services, and their subordinates at all levels in the Armed Forces to give the highest priority to the identification and eradication of every vestige of racism in the military community.

●

THE UNITED STATES Supreme Court announced on December 18 that it would not review the Appeals Court decision in Anderson v. Laird, the case concerning compulsory chapel attendance at the service academies. Attendance at worship services will now be on a voluntary basis, thus bringing the practice into accord with commonly accepted First Amendment guarantees concerning the free exercise of religion.

The excellent religious programs at the academies hopefully will take on even greater vitality and pride in the knowledge that all participants are voluntarily involved. Some of the most impressive aspects of the religious programs at the academies have always been voluntary, for example, the hundreds of cadets and midshipmen who teach Sunday School classes, sing in the large choirs, share in numerous Bible study groups, and the hundreds who get up early on weekday mornings to start the day at cadet-run prayer meetings.

We are reprinting in this issue the full text of the petition of the government for a review of the Appeals Court decision in Anderson v. Laird, the compulsory chapel case. This is followed by the full text of the objection to the petition which was filed by the attorney for the plaintiffs. We offer these documents without comment in order that chaplains may read for themselves the interesting summaries of the issues which the opposing sides laid before the nation's highest court.

We also print here the text of Secretary Laird's memo to the respective Service Secretaries directing the implementation of the Court's decision.

THE SECRETARY OF DEFENSE
Washington, D.C. 20301

January 4, 1973

MEMORANDUM FOR The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force

SUBJECT: Attendance at Religious Services

On 18 December 1972, the Supreme Court of the United States refused to review the case of *Anderson et al,* v. *Laird et al.* as decided by the Circuit Court of Appeals for the District Court Circuit on 30 June 1972. The decision of the Circuit Court was that regulations requiring attendance at religious services at the military academies violate the First Amendment of the United States Constitution.

In view of the above, I direct that appropriate action be taken to conform your regulations in keeping with the spirit and the letter of the Court's opinion. This decision means that attendance at religious services shall not be required at the military academies or elsewhere within military commands.

It must be noted that the court's opinion in no way diminishes the importance of Divine Services. Therefore, the availability and opportunity for worship shall continue to be provided. I have every confidence that our servicemen and women will continue to seek the strength and inspiration that comes from friendship with God.

Melvin R. Laird

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ONE OF THE FINEST books about a military chaplain is reviewed briefly elsewhere in this magazine. Doubleday has published Billy Keith's fascinating and true story of Chaplain Robert Preston Taylor and his experiences in World War II. After seeing so many caricatures of chaplains in print and in other media it is immensely refreshing to read something genuine and true to life. Chaplain Taylor's long and effective career took him from the Philippines and the Bataan death march to the position of Chief of Chaplains, United States Air Force. *(Review is on p. 78)*

No. 72-653

In the Supreme Court of the United States

OCTOBER TERM, 1972

MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL., PETITIONERS

v.

MICHAEL B. ANDERSON, ET AL.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

ERWIN N. GRISWOLD,
Solicitor General,
HARLINGTON WOOD, Jr.,
Assistant Attorney General,
ALLAN A. TUTTLE,
Assistant to the Solicitor General,
MORTON HOLLANDER,
Attorney,
Department of Justice,
Washington, D.C. 20530.

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In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-653

MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL., PETITIONERS

v.

MICHAEL B. ANDERSON, ET AL.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

The Solicitor General, on behalf of the Secretary of Defense and the Secretaries of the Army, Navy and Air Force, petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit in this case.

OPINIONS BELOW

The opinions of the court of appeals (Appendix A, *infra,* pp. 1a–69a) are not yet reported. The opinion of the district court (Appendix B, *infra,* pp. 70a–93a) is reported at 316 F.Supp. 1081.

JURISDICTION

The judgment of the court of appeals (Appendix C, *infra,* p. 94a) was entered on June 30, 1972. On September 19, 1972, the Chief Justice extended the time for filing a petition for a writ of certiorari to and in-

cluding October 28, 1972. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTION PRESENTED

Whether regulations of the three federal military academies requiring attendance of cadets and midshipmen at Protestant, Catholic or Jewish chapel services each Sunday violate the Establishment or Free Exercise Clauses of the First Amendment.

STATUTE AND CONSTITUTIONAL PROVISION INVOLVED

The First Amendment to the United States Constitution provides, in pertinent part:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *.

The pertinent regulations of the Service Academies are set out in footnote 4 *infra,* p. 5.

STATEMENT

Respondents are two cadets at the United States Military Academy at West Point, New York, and nine midshipmen at the United States Naval Academy at Annapolis, Maryland. They brought this suit as a class action on behalf of all cadets and midshipmen at the three federal military academies, seeking declaratory and injunctive relief against regulations requiring cadets and midshipmen to attend Protestant, Catholic or Jewish chapel services each Sunday.

1. THE SERVICE ACADEMIES AND THE CHAPEL REGULATIONS

The training of cadets and midshipmen at the Service Academies is a military activity ofthe United States

government. The purposes and methods of the academies are not comparable to those of any civilian educational institution. As stated by General Koster, Superintendent of West Point, "The United States Military Academy accepts responsibility for the total development of a cadet: mental, physical, and moral" (App. 30).[1] Their methods, in addition to academic studies, include the Honor Code, mandatory athletic training, compulsory military drills and pervasive military discipline.[2]

The all-encompassing character of the academies' programs stems from the "unlimited" (5 Tr. 43) responsibilities of the command positions for which the cadets and midshipmen are being trained. As Admiral Thomas H. Moorer, then Chief of Naval Operations and later Chairman of the Joint Chiefs of Staff, testified (6 Tr. 187–189):

---

[1] "App." refers to the Appendix in the Court of Appeals. "—Tr.—" refers to the volume and page of the ten volume transcript of the proceedings below ("A Tr.—" refers to a specially prepared volume coming between volumes 1 and 2).

[2] The importance of discipline in the academies' program was stressed by Roger T. Kelley, Assistant Secretary of Defense in charge of manpower:

"Understanding the conditions under which they operate, there are very many actions, very many decisions made for the midshipmen and cadets in the course of his four years at the service academy. In the process of following authority and following rules prescribed by others and practices laid down by others in authority, a midshipman and cadet learns to follow and in the course of learning to follow, he begins to form a foundation for knowing how to lead.

"In the course of following certain rules and practices which he may find personally onerous or disagreeable at the time, there is instilled in the individual a devotion to the service which he nominated himself for in full knowledge of the rules and the conditions that were to be imposed on him" (6 Tr. 34).

> The responsibility and, indeed, accountability of every commander is to insure that he puts forth every effort to protect and enhance the welfare of the personnel under his command. * * * He must look on each man as an individual and make certain that the needs, the welfare and the desires of each individual are taken into account when he issues orders, establishes routines or takes any action which would [have] impact on the day-to-day life of the individual concerned. * * * [Ultimately] leadership is the art or technique of influencing an individual or a group of individuals to work together towards the achievement of a common goal; and you will not get this kind of effort and this working together unless the individuals in the command have the utmost confidence that the commander recognizes them as individuals and will take every action in his power to see to it that their welfare, * * * their desires and their needs are always considered when he gives an order.

A commander's responsibilities may include, particularly in combat and crisis situations, attending to the spiritual needs of his men.[3] The academies therefore attempt to develop in cadets and midshipmen a

[3] Admiral Moorer noted the special responsibilities of commanders during crises (6 Tr. 205):

"[In] a crisis situation, different men react in different ways, and it is very important that the commander * * * understands why the various men in his command will react in a different way, and why some of them find a need to resort to religion to support them in this time of extreme danger and extreme trial. And unless he understands that many people have this feeling and have this need to resort to their religious beliefs to provide strength to them in this period of crisis, he cannot properly * * * handle this crisis situation."

respect for, an understanding of, and a sensitivity to religion and the religious feeling of others (A Tr. 5, 11, 13; 2 Tr. 106–107, 120, 126–130, 138; 5 Tr. 27–28, 41–43, 71, 111–112, 122–123, 140; 6 Tr. 191, 211, 229).

In recognition of these responsibilities the academies require cadets and midshipmen to attend a religious service each Sunday as part of their overall training. As General Koster stated: "In recognition of this responsibility [of the total development of a cadet], the fact that moral values are the foundation stone of honor and integrity, and the necessity for every officer to have a first-hand knowledge of the religious traditions of our country, the Academy requires each cadet to attend Protestant, Catholic or Jewish chapel on Sunday" (App. 30).[4]

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[4] The West Point regulation provides:

"Attendance at chapel is part of a cadet's training; no cadet is exempt. Each cadet must attend either the Cadet Chapel, Catholic Chapel or Jewish Chapel service each Sunday, according to announced schedules." [Regulations for the United States Military Academy Chapter 8, Section IV, ¶819.]

The Naval Academy regulation provides:

"1. The basic requirements concerning religious matters at the Naval Academy are:

"(a) All midshipmen will attend church or chapel services on Sunday mornings but are required to attend at no other times." [Part II, Chapter 15, § 1501 of the United States Naval Academy Regulations.]

The Air Force Academy regulation provides:

"Attendance at an established church service is mandatory for those Second, Third and Fourth Classmen present for duty in the Cadet Area." [Air Force Cadet Regulation No. 265–1.]

The Naval and Air Force Academies also permit their midshipmen and cadets to attend services at local churches in lieu of the academy church or chapel service. West Point is not located in any town; consequently, Army cadets must choose among the services available at the Academy.

Violations are punished in the same manner as violations of the other academy regulations: by reprimands, demerits, marching tours, confinement to quarters and, for repeated violations, expulsion. The academies recognize, however, that some cadets and midshipmen may be excused for conscientious objection to church or chapel attendance.[5]

The academies permit a cadet or midshipman to change the church of his regular attendance if he receives permission from the respective chaplains involved (and from his parents if he is under twenty-one), and on demonstration of a sincere desire to affiliate with a new church.[6]

The government officials responsible for the supervision of the Service Academies testified that the chapel attendance requirements served the purpose of training cadets and midshipmen to become better commanders, rather than any purely religious purpose. Thus Admiral Moorer stated (6 Tr. 191):

> The purpose, of course, is to enhance his leadership and his commandability by putting

[5] The policy statement of the Academy Superintendents in April 1969 included the following language:

"It is understood that intelligent provisions must be made for bona fide cases where attendance would be in conflict with sincerely held convictions of individual cadets or midshipmen." [The Eleventh Conference of Superintendents of the Academies of the Armed Forces, Record of Proceedings, April 18, 1969 at p. 32.]

[6] The Naval Academy regulations provide that "[r]equests for changes to a different denominational church based on personal whims of the midshipman, rather than a sincere desire to affiliate with the stated denomination, will not be approved." Part II, Chapter 15, § 1502.1a of the United States Naval Academy Regulations.

> him in a position where he can get a feel, an understanding of the impact of religion on the various types of individuals and so he can see this in operation; and, consequently, as he acts as a leader in later years, he will appreciate this impact that religion has on so many people.[7]

Admiral Moorer acknowledged that the chapel attendance requirements could have an effect on the religious lives of some cadets and midshipmen (6(a) Tr. 268):

> * * * I think a midshipman who attends, initially, and who has been raised by a family who did not require their children to go to church, might receive from the service, some inspiration, some motivation of his beliefs that would create in him a desire to be more active in the church. * * *

However, it was emphasized that the academies were not attempting to force any system of belief on the cadets and midshipmen. Thus, Rear Admiral James Calvert, Superintendent of the Naval Academy, testified (A Tr. 12):

> If the man in his own intellectual situation really does not believe, that is his privilege; but it is not his privilege as an officer who is fulfilling his job satisfactorily to ignore the religious feelings of his men. He cannot do that.

---

[7] Secretary Kelley likewise testified to the training purposes of the chapel requirement (5 Tr. 26–27):

"Very simply the reason for the requirement is to help the midshipmen and the cadets understand the basis of religious belief and practice on the part of other midshipmen and cadets and thus equip him for positions of leadership responsibility in later service life."

Finally both Admiral Moorer and Secretary Kelley stated that the training values sought to be advanced by the chapel attendance requirement could not be obtained by substituting classroom study for the required chapel. Admiral Moorer said (6 Tr. 192):

> [An academic course in morals and ethics and comparative religions] would be artificial because that is not the way that people live and that people feel and so on with respect to religion. So, I think it is better, by far, to permit the midshipmen or require the midshipmen to observe this in a real world, so to speak.

See also the testimony of Secretary Kelley, 5 Tr. 87.

2. THE PROCEEDINGS BELOW

The district court held that the Service Academies' requirement of mandatory chapel attendance did not infringe either the Establishment or Free Exercise Clauses of the First Amendment or the "religious test" clause of Article Six of the United States Constitution.[8] The court of appeals, with Judge MacKinnon dissenting, reversed. Chief Judge Bazelon and Judge Leventhal, in separate opinions for the court of appeals' majority, advanced different reasons for the result. Chief Judge Bazelon held that mandatory chapel attendance is a *per se* violation of the Establishment Clause, on the ground that there are "no overriding secular interests which could ever justify a government's imposition of those religious activities which the Clause was written to abolish." (Appendix

[8] Article VI provides, in pertinent part: "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

A, p. 15a, *infra*). Judge Bazelon concluded that the regulations were also unconstitutional under the Free Exercise Clause (*id.*, p. 26a, *infra*). While Judge Leventhal did not reach that issue, he found required chapel attendance "presumptively invalid" as a measure respecting an establishment of religion. In his view, the regulations were invalid because military officials failed to demonstrate that chapel attendance is an "unquestioned and imperative necessity" to the effective training of military officers. Judge MacKinnon dissented, concluding "that the military power recognized by the Constitution authorizes the academies to include the chapel attendance requirement in their curriculum as a *necessary* part of the academies' training, and that such minimal regulation does not violate the First Amendment of the Constitution" (*id.*, p. 57a, *infra*).

REASONS FOR GRANTING THE WRIT

This case presents important questions concerning the application of the Religion Clauses of the First Amendment to the training of officers of the Armed Forces.[9] The court of appeals has applied erroneous standards in striking down a century-old practice considered essential to the effective training of cadets and midshipmen at the Service Academies. The academies' chapel attendance requirements are a valid ex-

[9] Article I, § 8, cl. 12, 13 and 14 of the Constitution, give Congress the power "To raise and support Armies * * * [t]o provide and maintain a Navy [and] [t]o make Rules for the Government and Regulation of the land and naval Forces." These enumerated powers necessarily imply the power properly to train military personnel. Cf. *Lichter* v. *United States*, 334 U.S. 742, 778–783.

ercise of authority by the military over its own personnel; they restrict First Amendment interests only to the extent necessary to vindicate legitimate military need.

1. The majority opinions—in holding the chapel attendance requirements "presumptively" invalid or unconstitutional *per se*—make constitutionally suspect any action of the military touching on the religious lives of servicemen. In our view, this approach fails to accord proper weight to the special needs and responsibilities of the Armed Services.

In reviewing military decisions, civilian courts "must accommodate the demands of individual rights and the social order in a context which is far removed from" those encountered in civil litigation. *Noyd* v. *Bond,* 395 U.S. 683, 694. This Court has recognized that in that context "the rights of men in the armed forces must perforce be conditioned to meet certain overriding demands of discipline and duty * * *." *Burns* v. *Wilson,* 346 U.S. 137, 140. These "overriding demands" have led to judicial recognition that the scope of a serviceman's First Amendment freedoms of speech and expression are not the same as those in civilian life.[10] See *e.g., Cortright* v. *Resor,* 447 F. 2d

[10] "To a certain extent, at least, the military sector of a society must function outside the realm of democratic principles, including the principle of freedom of expression. * * * Certainly, members of the armed forces, at least when operating in that capacity, can be restricted in their right to open discussion." Emerson, *Toward a General Theory of the First Amendment*, 72 Yale L.J. 877, 935–936 (1963). See *Cortright* v. *Resor*, 447 F. 2d 245, 253–254, certiorari denied, 405 U.S. 965; *Raderman* v. *Kaine*, 411 F. 2d 1102, 1104, certiorari dismissed, 396 U.S. 976. Similarly, the right of servicemen to distribute literature on

245, 252 (C.A. 2), certiorari denied, 405 U.S. 965; *Raderman* v. *Kaine,* 411 F. 2d 1102 (C.A. 2), certiorari dismissed, 396 U.S. 976; *Dash* v. *Commanding General,* 307 F. Supp. 849 (D. S.C.), affirmed *per curiam,* 429 F. 2d 427 (C.A. 4), certiorari denied, 401 U.S. 981.

Military courts have held that a serviceman's religious freedoms may be subject to reasonable limitation when military necessity requires. See *United States* v. *Cupp,* 24 C.M.R. 565, 570–572 (court martial conviction for refusal to salute superior officer upheld against religious claims of serviceman who became a Jehovah's Witness after his enlistment); *United States* v. *Morgan,* 17 C.M.R. 584, 587–588 (court martial conviction for refusal to "present arms" upheld against religious claims of serviceman who was a Jehovah's Witness); *United States* v. *Burry,* 36 C.M.R. 829, 831 (court martial conviction upheld for refusal to work on Saturday sabbath). *See also Hamilton* v. *Regents,* 293 U.S. 245, 263–264.

On the only occasion on which this Court has commented on the matter, the Court appeared to recog-

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a military base may be subject to greater restraints than those which could validly be imposed on civilians. Compare *Noland* v. *Desorby* (C.A. 6, No. 71–1661, decided April 24, 1972), certiorari denied (No. 72–145, October 16, 1972); *Schneider* v. *Laird,* 453 F. 2d 345 (C.A. 10), certiorari denied, 407 U.S. 914; *Yahr* v. *Resor,* 431 F. 2d 690 (C.A. 4), certiorari denied, 401 U.S. 982; and *Dash* v. *Commanding General, supra,* with *Flower* v. *United States,* 407 U.S. 197; *Kiiskila* v. *Nichols,* 433 F. 2d 745, 750 (C.A. 7); and *United States* v. *Bradley,* 418 F. 2d 688 (C.A. 4). And a serviceman's personal freedoms of conduct and appearance must yield to the military's need to establish procedures for duty assignments, see *Noyd* v. *McNamara,* 378 F. 2d 538 (C.A. 10), and to regulate physical appearance, *Anderson* v. *Laird,* 437 F. 2d 912 (C.A. 7), certiorari denied, 404 U.S. 865; *Raderman* v. *Kaine, supra.*

nize that military needs and responsibilities may justify restrictions on a serviceman's religious actions. *West Virginia State Board of Education* v. *Barnette,* 319 U.S. 624, 642, n. 19. In *Barnette,* Jehovah's Witness parents of school children challenged a West Virginia school board resolution requiring public school children to salute the flag and pledge allegiance. Although the Court struck down this requirement as "invad[ing] the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control" (319 U.S. at 642), the Court specifically recognized that "those subject to military discipline are under many duties and may not claim many freedoms that we hold inviolable as to those in civilian life" (*id.* at 642, n. 19).

These cases indicate that the courts will not interfere with "the relationship of the military to its own personnel" (Warren, *The Bill of Rights and the Military,* 37 N.Y.U.L.Rev. 181, 186 (1962)), where challenged military action is reasonably related to the attainment of a legitimate military need and narrowly circumscribed to avoid unnecessary conflict with constitutionally protected interests of servicemen. We submit that, contrary to the court of appeals' ruling, the fact that military action restricts the First Amendment interests of servicemen does not, of itself, create a "presumption" of invalidity or render the military action unconstitutional *per se.*

2. The academies' requirement of mandatory chapel attendance does not violate the freedom of Religion Clauses of the First Amendment, since it restricts con-

stitutionally protected interests only to the extent necessary to ensure effective military training.

The academies have accepted "responsibility for the total development of a cadet [or midshipman]: mental, physical, and moral" (*supra,* p. 3). The selection of training procedures best suited for the development of officers of the highest caliber has been committed to the military. 10 U.S.C. 3012(b)(1), 4331–4355, 6951–6974, 8012(b)(1), 9331–9355; cf. *Orloff* v. *Willoughby,* 345 U.S. 83, 94; *Wasson* v. *Trowbridge,* 382 F. 2d 807, 812 (C.A. 2). They have concluded that the "moral responsibility of command" (A Tr. 5) requires a comprehensive training program which includes regular chapel attendance. As the trial court found, "[e]xperience has shown that * * * a sensitivity to the spiritual needs of men in the times of combat crisis [is] essential in leading men in the face of danger" (Appendix B, p. 83a, *infra;* 316 F. Supp. at 1089). A reviewing court should not lightly substitute its estimates for that judgment.

Moreover, there has been "an unbroken pattern of 150 years of mandatory chapel under the eyes of the President and the Congress, the military authorities, and the public in general" (Appendix B, pp. 80a–81a, *infra;* 316 F. Supp. at 1087–1088). The long existence of this practice "is not something to be lightly cast aside" (*Walz* v. *Tax Commission,* 397 U.S. 664, 678).

To survive a challenge that it is a "law respecting the establishment of religion" governmental action must satisfy three criteria:

> First, the statute must have a secular legislative purpose; second, its principle or primary

> effect must be one that neither advances nor inhibits religion * * *; finally, the statute must not foster "an excessive governmental entanglement with religion" * * * [*Lemon* v. *Kurtsman,* 403 U.S. 602, 612–613; see also *Tilton* v. *Richardson,* 403 U.S. 672, 678].

Under these standards, the chapel attendance regulations pass muster.[11]

The military training purpose of these regulations is established by the record (*supra,* pp. 6–7).

While the academies' regulations may encourage religious tendencies in some cadets and midshipmen or intensify unfavorable attitudes towards religion in others, the *primary* effect of the regulations, as the district court found, is to produce better military officers: men with an understanding of, and respect for, our Judeo-Christian heritage, and a capacity to respond to the religious needs and motivations of the men they command. The religious impact of the regulations is minimized by administrative provisions for excusing conscientious objectors (*supra,* p. 6, n. 5) and

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[11] While the Court in prior cases has said that the "establishment of religion" clause of the First Amendment forbids the government to "force [or] influence a person to go to or remain away from church against his will" and that "[n]o person can be punished * * * for church attendance or non-attendance," *Everson* v. *Board of Education*, 330 U.S. 1, 15–16, important constitutional questions cannot always be decided by the application of sweeping generalities to different factual situations. In *Walz* v. *Tax Commission*, 397 U.S. 664, 670, the Court referred to "[t]he hazards of placing too much weight on a few words or phrases of the Court." There is a significant difference between the imposition of prayer and Bible reading in the public schools (see, *e.g.*, *Abington School District* v. *Schempp*, 374 U.S. 203) and the military regulations here, which apply only to military personnel training of their own volition to become officers of the Armed Forces.

those for whom the services are "counterproductive" (5 Tr. 79). Moreover, since the cadets and midshipmen are of college age, the religious impact of required attendance is likely to be secondary.[12] See *Tilton* v. *Richardson,* 403 U.S. at 686. Finally, in the considered judgment of the responsible officials the values found in chapel services would be lost if academic classes in morals and comparative religion were substituted. Thus the regulations do not violate the injunction that the government not "use essentially religious means to serve governmental ends where secular means would suffice." *Abington School District* v. *Schempp,* 374 U.S. 203, 231 (Brennan, J., concurring); *Walz* v. *Tax Commission,* 397 U.S. 664, 680 (Brennan, J., concurring).

Nor do the attendance regulations foster "an excessive governmental entanglement with religion." *Walz* v. *Tax Commission, supra,* 397 U.S. at 674. As the court below acknowledged (Appendix A, p. 32a, *infra*), the Establishment Clause does not prohibit the academies from providing property, facilities, and personnel in order to permit chapel and church attendance by cadets on a voluntary basis. *See Abington School District* v. *Schempp,* 374 U.S. at 296–297 (Bren-

[12] The cadet or midshipman at the academies is obviously less susceptible to inculcation of religious beliefs than a pre-college student might be, "since either his basic religious personality has already been formed or it can be influenced successfully only by stimulating the student to acquire understanding and insight which persuade him to accept certain religious teachings." Giannella, *Religious Liberty, Nonestablishment, and Doctrinal Development, Part II. The Nonestablishment Principle.* 81 Harv. L. Rev. 513, 583 (1968). See, also, Freund, *Public Aid to Parochial Schools,* 82 Harv. L. Rev. 1680, 1691 (1969).

nan, J., concurring); *id.* at 306 (Goldberg, J., concurring). Thus the academies' financial involvement in the administration of these regulations does not "excessively" involve the government. As we have contended above (*supra,* pp. 2–8), the compulsory aspect of the chapel program involves the government in religion only to the extent necessary to attain legitimate military training objectives. Such involvement is not "excessive" in light of its overriding military purpose.

3. The court of appeals also erred in holding that mandatory chapel attendance could not constitutionally be imposed as a condition of admission to the Service Academies (Appendix A, p. 47a, *infra*). For "[i]t is sometimes proper to condition the grant of a privilege upon the surrender of a right that cannot be taken away directly * * * if granting the privilege enhances the state's interest in denying the right. The interest in requiring disclosure of associations or beliefs, for example, increases if one is to be given access to military secrets." Currie, *Suitcase Divorce in the Conflict of Laws,* 34 U.Chi.L.Rev. 26, 32 (1966). See generally French, *Unconstitutional Conditions: An Analysis,* 50 Geo. L.J. 234, 247–248 (1961). In our view, the academies' attendance requirement meets this test. Attendance at the academies is voluntary. Prospective applicants are told of the chapel requirements prior to their acceptance (App. 145–149). In view of the government's interest in requiring some minimal exposure to religion of those admitted, whose leadership capacity will depend in part on an ability to understand the concrete religious needs and motivations of others, compulsory chapel

attendance is a valid condition upon attendance at the Service Academies.

CONCLUSION

The Service Academies are conducting an educational program for the purpose of providing well and broadly trained officers for our armed forces. Within very wide limits the persons charged with planning and carrying out that program should be free to determine its content and details. The responsible officers of the government have long held the position that awareness of our moral and religious heritage is an essential part of the education of future military leaders at the Service Academies. No cadet or midshipman is required to believe what he hears. No one is subjected to a catechism by governmental authority. But all students are required to gain an appreciation of our moral and religious heritage. This should be recognized as an appropriate part of education and within the proper authority of those charged with the development of the educational program of the Service Academies. To say that this is an establishment of religion is to be tyrannized by labels, while unduly denigrating the authority of those responsible for the educational program of the military services acting, under the power expressly granted by the Constitution to "make Rules for the Government and Regulation of the land and naval Forces."

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be granted.

Erwin N. Griswold, Solicitor General; **Harlington Wood, Jr.,** Assistant Attorney General; **Allan A. Tuttle,** Assistant to the Solicitor General; **Morton Hollander,** Attorney. **October,** 1972

IN THE

Supreme Court of the United States

October Term, 1972

MELVIN R. LAIRD,
SECRETARY OF DEFENSE, *et al.*,
Petitioners,

v.

MICHAEL B. ANDERSON, *et al.*,
Respondents.

BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

WARREN K. KAPLAN
1801 K Street, N.W.
Washington, D.C. 20006
Telephone: 833-3700

LAWRENCE SPEISER
1620 I Street, N.W.
Washington, D.C. 20006

HOPE EASTMAN
American Civil Liberties Union
410 First Street, S.E.
Washington, D.C.

Attorneys for Respondents.

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I. RESPONDENTS' COUNTER-STATEMENT OF THE CASE

Every cadet and midshipman at the United States Military Academy and United States Naval Academy and every cadet in his first, second or third year at the United States Air Force Academy[1] is required to attend church or chapel

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[1] No explanation was ever offered for exempting seniors at the United States Air Force Academy from the mandatory chapel requirement. Presumably they are thought to be less in need of the benefits of compulsory attendance at worship than their counterparts at West Point or Annapolis.

services every Sunday morning. The regulations are unequivocal in their language (*e.g.*, "No cadet is exempt" . . . "All midshipmen will attend . . .") and severe penalties, including marching tours, demerits, confinement to quarters, and possible expulsion, are imposed upon violators (App. 12, 15, 19).[2]

Cadets and midshipmen are given some choice as to which worship service they will attend, but their choices are severely limited by the regulations. At West Point, a cadet must attend one of three on-campus chapel services (Catholic, Protestant or Jewish, Pl. Ex. 21, App. 138). At the Naval Academy, midshipmen may elect to attend a denominational service in the town of Annapolis (Pl. Ex. 15, App. 136), while at the United States Air Force Academy, a cadet is permitted to attend services at an "established and cooperating" church in Colorado Springs (App. 21). (See, also, App. A, p. 370, fn. 5.) Any cadet or midshipman who is able to prove "beyond a reasonable doubt" to the Academy authorities that chapel attendance would be "counter-productive" for him may be excused (Tr. 79, App. 93). At the Naval Academy, there have been three cases of such excusals in the past forty years. At West Point, no cadet has ever been excused (App. 81, 86, 123, 126-7).[3]

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[2] "App." refers to the Appendix in the Court of Appeals. References to the appendix to the Petition are shown as "Appendix A," "Appendix B," etc.

[3] Four cadets at West Point who sought unsuccessfully to be excused from mandatory chapel in 1969 were called "trouble makers" and were invited to resign from the Academy (App. 125-6). There is no evidence of how many, if any, cadets at the Air Force Academy have ever been excused.

In determining whether a cadet or midshipman has carried his burden of proof on the issue of chapel attendance being "counter-productive" for him, it is not sufficient, in the view taken by the Department of Defense that the man may be an atheist who does not believe in a Supreme Being (App. 96-7), or that mandatory attendance violates the cadet's conscience (App. 96), or that he feels that compulsory chapel attendance is inhibiting his moral development (App. 136-7).

The Academy regulations restrict the free transfer of cadets and midshipmen from one church or chapel service to another. A cadet desiring to change his place of attendance must first get the permission of the "sending chaplain," the "receiving chaplain" and his parents (App. 13, 15, 20). Regulation 1502(1)(a) of the Naval Academy provides that requests for transfers ". . . based on the mere personal whims of the midshipman, rather than a sincere desire to affiliate with the stated denomination, will not be approved." (App. 15.)

Relevant academy catalogues and other publications illustrate the fundamentally religious purpose of compulsory chapel. The objective, as stated, is to provide a "sound basic religious atmosphere" (App. 148). This objective presumably stems from "the fact that biblical faith is the foundation stone of honor and integrity." (App. 154.)[4]

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[4] Consistent with this theory is Admiral Moorer's testimony that an atheist would inevitably lack "certain qualities" necessary for military leadership (App. 101).

In his affidavit filed in opposition to plaintiff's motion for preliminary injunction, upon which affidavit petitioners rely (Petition, pp. 3, 5) General Samuel Koster, then Superintendent of the Military Academy at West Point, modified the above-quoted excerpt

(Continued)

Midshipmen at the Naval Academy are told that they must regularly attend Divine Worship Services "because we are 'one nation under God'" (App. 145). The regulations are based on Title 10 U.S. Code, §6031, which states, in part ". . . commanders of vessels and naval activities to which chaplains are attached shall cause Divine Service to be performed on Sunday . . .; and it is earnestly recommended to officers, seamen, and others in the naval service diligently to attend every performance of the worship of Almighty God" (App. 33).[5]

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[4] (Continued)

from the official statement of policy by substituting the more neutral term "moral values" for "biblical faith" (App. 30). Subsequent to the filing of this affidavit, General Koster resigned as Superintendent at West Point when he was accused of suppressing information about the mass killing of civilians at Mylai. As former commander of the Americal Division, units of which were involved in the killings, General Koster was ultimately demoted, censured and stripped of his Distinguished Service Medal for the part he played in the aftermath of the killings. New York Times, May 20, 1971, 1:4.

[5] That this purpose is well recognized by many of those who are subjected to the requirement is indicated in the *amicus* brief of John W. Malley who candidly urges that the compulsory chapel regulations be retained in that they encourage a "sense of duty in the service of God and Country" and that they ". . . recognize belief and faith in the Creator" (*Amicus* Brief of John W. Malley, pp. 2, 7 and passim).

Notwithstanding this rather clear expression of religious purpose, the principal Government witnesses at trial testified that the *sole* purpose of the chapel regulations was to enable cadets and midshipmen to observe how *others* worship, so that they might some day be able to comprehend and deal with the religious needs of their men in times of crisis (App. 93 (Assistant Secretary of Defense Roger Kelley); App. 99-100 (Admiral Moorer)). The transfer

(Continued)

The uncontradicted evidence shows that compulsory attendance at worship directly violates the expressed tenets of most of the major faiths prevalent in this country (App. 62, 64-6, 72, 115, 153-A) and has caused large numbers of cadets and midshipmen to become permanently alienated from religion by what they perceive as the utter hypocrisy of the theory and application of the regulations (App. 61-2, 63, 68, 84-5, 115, 127-8, 136). In addition, a variety of religious leaders, representing the gamut of the principal religious denominations in the United States,[6] testified that the primary effect, on balance, was one of serious harm to religion in general, and to the religious lives of the individuals concerned in particular (*e.g.*, App. 63-4, 69, 72).

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[5] (Continued)

restrictions (p. 3, *supra*) are, of course, hopelessly at odds with this secular training purpose. One would expect that transfers would be encouraged, rather than prohibited, if the goal were truly to familiarize cadets with the diverse religious backgrounds of armed forces personnel.

[6] Plaintiff's clerical witnesses included a Baptist minister with over 23 years of service as a Navy chaplain (Reverend Glyn Jones), the dean of Boston College Law School (Father Robert Drinan), a former Jewish chaplain (Rabbi Eugene Lipman), an Episcopal chaplain and professor at American University (Rev. Earl H. Brill), the secretary of the General Commission on Chaplains for Armed Forces Personnel (Rev. A. Ray Applequist), and the Director for Civil and Religious Liberty of the National Council of Churches (Rev. Dean M. Kelley).

We think it is significant that the Government produced no chaplains or other religious leaders whatever to defend the practice of mandatory chapel.

II. REASONS FOR DENYING THE WRIT

It is readily apparent from a reading of the considerations governing review on certiorari (Rule 19, Rules of the Supreme Court) that the only possible criteria which could even remotely be considered applicable to a grant of certiorari in this case are the third and fourth clauses of Rule 19(1)(b).[7] Unless the Government can plausibly contend that the legality of governmental compulsion to attend religious worship is still an open question in this Court, or that the decision of the court below is in conflict with applicable decisions of this Court, then certiorari should not be granted. Neither contention can be sustained.

Few propositions are more solidly established in the jurisprudence of the First Amendment than that the Government may not compel church attendance.[8]

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[7] Rule 19(1)(b) provides as follows:

> Where a court of appeals has rendered a decision in conflict with the decision of another court of appeals on the same matter; or has decided an important state or territorial question in a way in conflict with applicable state or territorial law; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision.

[8] Even those who disagree with this Court's decisions in the area of school prayers would concede that compulsory participation in religious activity is not to be condoned. *E.g.*, Griswold, "Absolute Is in the Dark," 8 Utah L. Rev. 167, 35 N.Y.S. Bar J. 212 ("I

(Continued)

In the first and most frequently cited case construing the Establishment Clause, Justice Black set forth its *minimum* scope as follows:

> The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. *Neither can force nor influence a person to go to or remain away from church* against his will or force him to profess a belief or disbelief in any religion. *No person can be punished for* entertaining or professing religious beliefs or disbeliefs, *for church attendance or nonattendance.* . . . Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to 'erect a wall of separation between church and state.' *Everson v. Board of Education,* 330 U.S. 15, 16 (1946) (emphasis added).

This quotation from *Everson* has been repeated and reaffirmed in several subsequent cases. *McCollum v. Board*

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[8] (Continued)

find it hard to see that there is anything wrong or oppressive in making that law applicable to all members of the community—as long as the persons who do not care to observe Sunday themselves are not *compelled* to do anything," *ibid.*, 35 N.Y.S. Bar J. at 224, 8 Utah L. Rev. at ___.) It would appear from the Petition that the Solicitor General has changed his mind since writing the above.

of Education, 333 U.S. 203, 210-11 (1947); *McGowan v. Maryland,* 366 U.S. 420, 443 (1960); and *Torcaso v. Watkins,* 367 U.S. 488, 492-3 (1960).

We think that this Court in *Everson* intended to set forth certain categories of absolutely proscribed conduct. Thus, the federal government cannot, for example, require a person to profess a belief in the divinity of Christ, regardless of what secular purpose or effect might be involved. The clear message of *Everson* is that certain limited areas, such as profession of religious belief and attendance at worship are so sensitive, so deeply personal, and so inherently relegated to individual conscience that the state cannot under any circumstances lawfully seek to compel individual conduct.[9]

During the early 1960's, the school prayer and bible reading cases brought about the realization that the *Everson* language was not sufficiently precise to evaluate certain more ambiguous forms of possible "establishment," and the Court promulgated a more specific two-fold test for analyzing those governmental practices which did not fall clearly into the category of practices prohibited by *Everson.* This test, sometimes known as the "purpose/primary effect" test, was first articulated in *Abington School District v. Schempp,* 374 U.S. 203, 222 (1962).

> The test may be stated as follows: what are the purpose and the primary effect of the

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[9] The Government's attempted distinction between compulsory attendance and compulsory worship is—as the Court below found—completely without merit. Appendix A, p. 170. The only way in which worship can possibly be compelled is through overt actions, e.g., attending when the worshippers attend, rising when the worshippers rise, and sitting when the worshippers sit. App. 128-9.

> enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be secular legislative purpose and a primary effect that neither advances nor inhibits religion. (Citations omitted.)

In the court below, Chief Judge Bazelon held that the present case was governed by the clear and unambiguous prohibition of *Everson,* since freedom from governmental imposition of religious activity is a "core value" protected by the Establishment Clause (App. A, pp. 17a-19a). In such cases, there is no necessity for applying the "purpose and effect" test. Respondents agree with this analysis, and believe that it is dispositive of the case.

Application of the "purpose and effect" test does not alter the result. The documents cited earlier (pp. , *supra*) forcefully convey the religious purpose of the regulations—a purpose strictly forbidden under the *Schempp* test.

The most recent version of the role of compulsory chapel—*i.e.*, as a necessary secular training aid to endow cadets with an understanding of the religious backgrounds and needs of their men—is so clearly fallacious as to fall of its own weight. Not only is this stated purpose sharply contradicted by all of the pre-trial publications, but even the Superintendent of the Naval Academy was obliged to admit that a course in comparative religion "might be more effective in some ways" (Tr. 9).

The Government's contention that compulsory chapel is essential to our national security (App. 94) and is

indispensable for the effective training of military officers was carefully dissected in the court below (App. A, pp. 42a-44a) and found to be wholly lacking in evidentiary support. As Judge Leventhal has pointed out, the argument is severely undercut by the fact that 95% of the service officers do not graduate from the academies, and have never been subject to the compulsory chapel requirement.[10]

Indeed, since the filing of the Petition, it has been indicated that at least one of the affected academies has repudiated the necessity, or desirability of compulsory chapel and only reluctantly agreed to join in this petition.[11]

It is not the function of a brief in opposition to reiterate all the arguments which indicate that the decision of

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[10] "The longstanding restriction of the chapel attendance obligation to Academy graduates seems to me a powerful demonstration that it is not a necessity in the making of an officer and constitutional doctrine will not support an infringement of religious liberty except on a showing of unquestioned and imperative necessity." Concurring opinion of Leventhal, J., App. A. p. 43-A.

[11] "[The] United States Air Force has been quite willing to abide by the lower court's ruling to eliminate compulsory chapel. But Army and Navy apparently resisted and Defense agreed with them" *Air Force Times,* Nov. 22, 1972 (editorial). There is no reason to believe that compulsory chapel is any more essential for training cadets at West Point and midshipmen at Annapolis than for training their Air Force counterparts at Colorado Springs. Perhaps the true nature of the Government's concern was expressed by *amicus* Malley: ". . . and if the Naval Academy is placed under a prohibition of the Courts as to one of its practices, it may be expected that other challenges of Academy authority will be inspired." Amicus Malley, p. 3(n)

the court below was correct on the merits. These arguments are expounded at length in the opinions of Judges Bazelon and Leventhal, App. A, pp. 1a-47a. The position of the dissenting judge (which is reiterated by the Government in the Petition)—that compulsory chapel is a military necessity—is simply not supported by the record in this case.

It is ironic and disturbing that nearly two centuries after the adoption of the Bill of Rights, the department of government which is charged with defending our country and its vital freedoms now seeks to impose upon its citizens a blatantly unlawful requirement of the very sort that the First Amendment was designed to guard against (App. A, pp. 6a-10a).

The clear impropriety of the practice which the Government here seeks to defend is in no way mitigated by couching the rationale in terms of national security, as this court has recently noted in connection with an intrusion into another section of the Bill of Rights. In *United States v. United States District Court for the Eastern District of Michigan, et al.*, ___ U.S. ___, 32 L.Ed.2d 752, decided June 19, 1972, this Court rejected the Government's claimed right to conduct warrantless wire-tapping of domestic organizations, despite contentions that such electronic surveillance was essential to the national security. The language of Justice Douglas in his concurring opinion is, we submit, directly applicable to and dispositive of the case at bar:

> When the Executive attempts to excuse these tactics as essential to its defense against internal subversion, we are obliged to remind it, without apology, of this Court's long commitment to the preservation of the Bill of Rights

from the corrosive environment of precisely such expedients . . . Chief Justice Warren put it this way in *United States v. Robel,* 389 U.S. 258, 264: "The concept of 'national defense' cannot be deemed an end in itself, justifying any . . . power designed to protect such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideas which set this nation apart. . . . It would be indeed ironic if, in the name of national defense, we would sanction the subversion of . . . those liberties . . . which make the defense of the Nation worthwhile." *Ibid.*, 32 L.Ed.2d at 775.

CONCLUSION

For the reasons stated the Petition for Certiorari should be denied.

Respectfully submitted,

WARREN K. KAPLAN
1801 K Street, N.W.
Washington, D.C. 20006

LAWRENCE SPEISER
1620 I Street, N.W.
Washington, D.C. 20006

HOPE EASTMAN
American Civil Liberties Union
410 First Street, S.E.
Washington, D.C.

November 1972.

Symbol of the United Nations presence in Cyprus: Canadian Pte K. J. Hill stands alert at the Rocos Bastion Observation Post. To his left are buildings in the Turkish Sector of Nicosia, Cyprus' capital city; on his right lies the Greek side of the "Green Line."

THE STORY of the Canadian Armed Forces' involvement with the United Nations in Cyprus is in the everyday life of the soldier who stands watch on the observation posts (OPs). All of us in the Canadian Contigent (CanCon) are in support of him. To quote LCol J. A. Fox, the Commanding Officer of the Strathcona's, the Regiment with which most of my duty

Padres' presence is felt. The author, Captain Coleman (right), appears here with his Roman Catholic colleague, Father Gerry Veilleux. One senses that they have the situation well in hand.

Retrospect— Cyprus 1972

By Lyman R. Coleman

was spent, ". . . We are here as a regiment to stand behind the men who at this moment are standing between the opposing forces in the 'Green Line.' "

The Green Line is synonoy-mous with our portion of the United Nations operations in Cyprus. It is the demarcation line originally drawn between the last held positions of the Greeks and Turks.

Boxes of clothing and toys arrive in Cyprus from Calgary, Alberta, Canada, one-third of the way around the world. The president of the Strathcona's Ladies' Auxiliary delivers the articles in person to children at the Red Cross Hospital at Kyrenia.

To better understand the United Nations' position in Cyprus, it is important that we have a clear understanding of the mandate which resulted from a U. N. resolution on Cyprus on the 4th March 1964. Of equal importance is the fact that the United Nations was invited to the island by the Republic of Cyprus.

The U. N. Mandate

The task given to UNFICYP (United Nations Forces in Cyprus) was: (a) prevent a recurrence of fighting, (b) contribute to keeping law and order, and (c) assist in the return to normal conditions.

Joining Canada in the execution of this mandate were Austria, Denmark, Finland, Ireland, Sweden and the United Kingdom (see photos on pages 47-8). Also, civilian police forces were supplied by Australia, Austria, Denmark, New Zealand and Sweden.

In April of 1972 the Lord Strathcona's Horse, an armored Regiment, replaced the second battalion of the Royal Twenty-Second Regiment, an infantry battalion of French-Canadian fame. This was a new role for the Armored as sentries per se. But they are a proud fighting arm — and have notably served in recent times as one of Canada's finest reconnaissance units. And so with

(Above) Hilarity reigns as the Calgary Stampede comes to Cyprus on Strathcona Day, the Regimental birthday. Here is the Chuck Wagon race.

(Below) A memorial service was held at the British Military Cemetery in Dhekelia for the nine Canadians who died while serving in Cyprus. Here Strathconas gather at the grave of a comrade.

relative ease, the "Strathconas" took over from the "Van Doos." Prior to their rotation the regiment had undergone special training for this role at its home station in Calgary, Alberta. Since driving in Cyprus is on the "wrong" side of the road, all unit drivers had to undergo a conversion course. This training had to be especially thorough as roads in Cyprus are narrow and mostly tree-lined. Defensive driving was strongly stressed.

The Troopers were taught crowd control and surveillance techniques. They were briefed in detail on Cyprus and her people. This included an insight into the Republic of Cyprus as it exists today, with an overview of the contemporary political problems. An historical background was also provided with a sketch of the country's geography.

Within a short space of time, the Strathcona's, with an augmentation from the Royal Canadian Artillery, based at Shilo, Manitoba, became thoroughly seasoned. Showing a strong sense of mission, they settled into their task with marked efficiency.

The role of the chaplain in this situation is also quite unique. Not that his role changes, but certainly the circumstances in which he immediately finds himself are different. Flexibility becomes paramount, and the chaplain adapts accordingly so as to be of maximum service to the personnel of his unit. His ministry must be practical and sensible.

"One Soldier and His Chaplain"

Since our people were on 24-hour shifts at the OPs, the chaplain had to organize his time with that in mind. By constantly visiting these places of duty, he gained insights into the morale and efficiency of the unit as a whole. Often this was the best place for a soldier to "let loose" with his feelings, or to seek enlightenment for a problem. It was one of the few places where pastor and person could really be by themselves to attempt to work something through, an impersonal setting without buddies or others around, while the surveillance went on undiminished — perhaps even supported. Sunday, therefore, was just another day in a seven-day week of routine. Church services were made available for those wishing to attend, but more often than not, in the stillness of the evening OP, the atmosphere was meditative and prayerful — and the congregation consisted of one watchful soldier and his chaplain.

Our people in the forward

areas were housed in once-deserted buildings along the Green Line, the "no-man's land" lying between the Greek and Turkish positions. Often these living areas were crowded and primitive. This sort of accommodation posed problems in itself, for even during periods of rest and relaxation the soldier lived in that semi-tense zone of alertness.

It is obvious that different men will react in different ways to any given problem. It is here that the unit chaplain must be sensitive to the variety of reactions, especially in a time of enforced separation from home and family. It is essential that he be supportive and not judgmental in his openness to the men he serves. Most of his people have strong, healthy family ties and look to their chaplain for positive support. Others, not so fortunate, sometimes find themselves in need of specialized counseling. Generally, when the soldier has had the opportunity to vent his feelings and to take a good look at his situation, he has the ability to adjust and adapt accordingly. The Canadian soldier is a perceptive man. He is endowed with a generous portion of initiative, and in the majority of situations he is able to deal with his extremes in many constructive ways. If he has the benefit of expressing himself freely to his chaplain, the value becomes self-evident.

A Stabilizing Presence

Cyprus today is a paradox. It is almost entirely free of open hostility of an overt nature. The tourist industry is booming, and new construction is everywhere. But the other face of the island is still a troubled one. Distrust and fear underlie its otherwise gay appearance. There is no question that the United Nations' presence is a stabilizing force.

We felt that our people enjoyed the respect of the citizens of both factions. It was policy to be friendly and polite, but generally reserved toward anything but superficial involvement. This sounds cool and aloof, but it was a necessity as neither side could complain of favoritism toward the other.

Children's Hospital Aided

One of the bright lights in our relationship with the local population was the Canadian involvement with the Red Cross Sick Children's Hospital in Kyrenia. The "Home" housed and cared for both Greek and Turkish children. It was one of those situations where one could see a ray of hope for Cyprus itself. The children lived in harmony and contentment.

Their parents would freely mingle on visiting days, sharing together a situation, having been led by a child . . .

There were many ways in which CanCon supported the "Home." Willing volunteers were often found to assist with maintenance problems. Parties were given for the children at Christmas and various other occasions; a Bar-B-Q for the kids was reason enough for a group of fellows to gather and go over to Kyrenia and visit the hospital. From the families in Western Canada came boxes of clothing and toys for the children; blankets and bedding were also given. So, Cyprus duty not only divided families, it also brought them together in another unique "giving situation." It was a heart-warming experience, and the appreciation was mutual.

Ecumenical Fellowship

My relationship with the Orthodox Church was extremely limited. I had opportunity to meet several clergy, but more often than not, a language barrier was experienced. However, on Cyprus there are a number of English-speaking clergy who are involved with the World Council of Churches' work, or have the pastoral care of the English and American nationals living on Cyprus. This group provided me with a warm and open fellowship which was gratefully received.

Mail is the essential link with home, family, and friends. The Postal Clerk is one of the most important members of the Regimental team. As always, mail can be "better than medicine."

One of our joint projects was to locate a suitable setting for a Christian Retreat Center. Several old monasteries were considered with this in mind. The proposal was approved and assisted by His Beatitude Archbishop Makarios and was supported by the World Council of Churches.

During my tour a representative from the Canadian Council of Churches Chaplaincy Committee, Dr. William Rodgers, visited our troops. This is a healthy link with our civilian churches back home, and the men who Dr. Rodgers met were sincerely appreciative of his warmth and concern for them and their families in Canada.

Support from Home

This article would not be complete without mentioning the strong support from the "folks at home." Whenever assistance was required from the chaplains in Canada, whose responsibilities included the care of the families at home, it was always there and it was always immediate. Speedy communications often calmed a crisis and avoided stressful situations. The families of the Canadian professional soldier are to be commended for their part. When a father and husband is separated from his family for six months or a year, it causes a whole pattern of living to change. It takes solid citizens to adapt to these exigencies, to close ranks and lift the morale of all concerned. We, who must do the leaving, are very proud of those who must remain behind.

It is most difficult to perceive how the Cyprus problem might be resolved. I only know that those men who serve on Cyprus do not serve in vain. All too often their task is boring and frustrating — their lonely vigil appears meaningless to some. But they *have* a mission there — it is a mandate from the people of the world, and it is a team effort. It is not just the efforts of one unit or of the Canadians. It is the trust and mutual concern of each country represented on the United Nations team. The situation will not be easily resolved, for the threads which put it together are extremely complex. But some day, through the consistent, sincere and courteous efforts of the United Nations, a new and happier day may come to the island of Cyprus — still, as it has been for centuries, the jewel of the Mediterranean. END

In love's service only the wounded may serve.

—Thornton Wilder

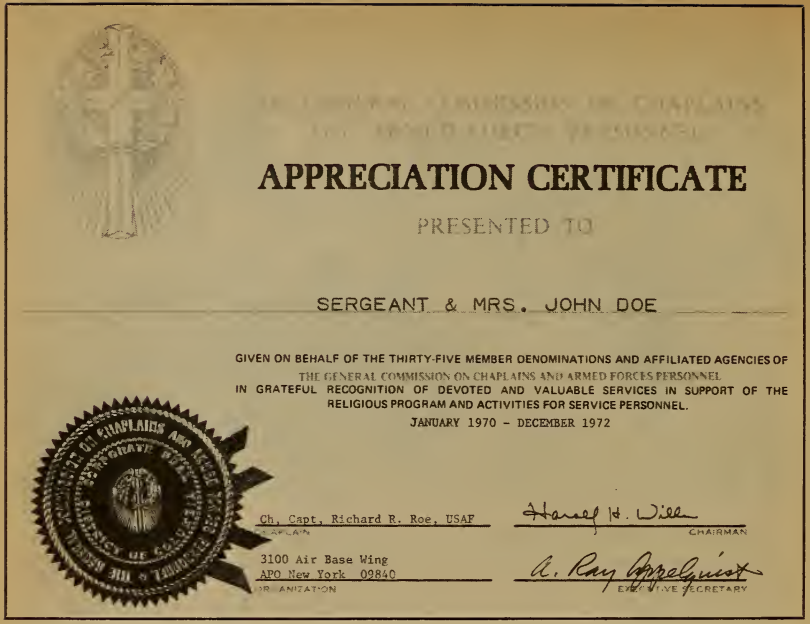
Other Countries Participate

(Editor's Note: As Chaplain Coleman points out, at least eight other countries have elements of their forces on Cyprus also. Chaplains of Swedish units there are pictured below and on page 49.)

Flanked by the candlesticks of his Church's tradition, a Swedish chaplain celebrates the Holy Communion for his countrymen on Cyprus.

(Above) Chaplain Lars Jergmar (cf. The CHAPLAIN, Winter, 1972, p. 7) preaches to Swedish troops at an out-of-doors service on Cyprus.

(Below) During the traditional Swedish Julotta or early morning service on Christmas Day, Chaplain Lennart Nordquist preaches the sermon.



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JANUARY 1970 – DECEMBER 1972

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Over sixty of these General Commission on Chaplains CERTIFICATES OF APPRECIATION were presented to military laymen and women in 1972 for distinguished service to religious programs.

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SINCE 1959 the General Commission on Chaplains has awarded a Certificate of Appreciation to hundreds of armed forces laymen and women for devoted service to the religious programs of their installations. Nominees are recommended by their chaplains in a letter of request sent to the Commission. Written on parchment and suitable for framing, the citation recognizes the contribution of an individual, a man and wife, or a whole family. To safeguard its significance, the Commission approves only one award annually in each situation. However, if special circumstances suggest that as many as three individuals or families should be honored, the sponsoring chaplain should state the case and request special consideration. In a new HONORS Department The CHAPLAIN will list recipients and their sponsoring chaplain.

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Preaching Clinic

By James T. Cleland

PREACHING FROM THE NEB

DO YOU want to buy a book? If not, turn to some other page, because I'm in a selling mood. Do you recall — I didn't — that in the July-August, 1970, issue of The CHAPLAIN, I wrote an enthusiastic review of *The New English Bible with The Apocrypha?* Well, I'm back at the old stand. The librarian of the Duke Divinity School asked me to review Gerald Kennedy's *The Preacher and The New English Bible.* I consented. It is worthy of both a review and a column, but maybe one will suffice as both. You know Gerald Kennedy: Methodist Bishop extraordinary; author multitudinous; preacher par excellence. He is a pulpiteer to whom I doff my hat. To say more about him would be to raise the valid question: "Who's he introducing, 'Who's Who'?"

What is G. K. trying to do in this volume, published in 1972 by the Oxford University Press? In the Foreword, remembering that the New Testament was written in the *koiné,* "the Greek language of the common man" — and not in Holy Ghost Greek, as too many folk think — he decided to examine texts — not the text — in this contemporary translation. He wisely concentrated on the four Gospels. What is his purpose? He tells us: "I have not aimed at presenting sermons for my fellow preachers,

but only at providing a spark which may set their minds aflame. Such sparks may come from a conversation, a newspaper story, a billboard, a book, a personal experience, or the New English Bible." (p. viii)

The book opens with a short, simple, worthy dedication:

THIS IS FOR HALFORD E. LUCCOCK
OF BLESSED MEMORY

There is a second dedication: a lovely, homey one to Mary Kennedy, his wife, slipped in to his comment on Luke 1:27 (p 95).

There are pluses galore in G. K.'s handling of his subject. Here are five which impressed me.

FIRST, each Gospel is provided with a brief introduction, occasioned by a verse in the Gospel. They help us understand each writer's motivation, viewpoint, slant, angle, and even bias. Matthew refuses to separate O. T. and N. T. He knows the importance of our heritage. Mark's *portrait* (not *photograph*) sees God in action, through Jesus, in the human situation. Luke is ecumenical, both *across* racial barriers and *within* the social milieu, with Jesus as the loving, yet austere, Lord of life. John writes the story, and the meaning, of the Incarnation: revelation, God taking the initiative; the quality of eternal life, which can begin on earth; the indwelling of the divine in the human, that is, in us.

SECOND, there is a lesson, by examples, for each of us on the value of arresting sermon titles, an art in which I am not particularly skilled, but still learning. Harry Emerson Fosdick sometimes used questions: "How Much Do We Want Peace?"; "What About God?"; "What Keeps Religion Going?"; "What Are You Standing For?" His successor, R. J. McCracken — a classmate of mine in the Divinity Hall of Glasgow University — published a volume of sermons: *Questions People Ask.* All twenty-one titles ended, naturally, with a question mark. Ralph W. Sockman, preacher to the nation, used paradox and/or alliteration in his titles: "The Conservative Revolutionary"; "The Good Tempter"; "The Peaceful Sword"; "The Meek Master." G. K., himself usually uses short, pithy titles: "Hypocrisy in Reverse"; "Holy Pragmatism"; "You Scoundrel"; "Boys Shouting in the Temple"; "Think Small"; "I Am Guilty" (Carlyle Marney would add "responsibly" before

"guilty"!); "Get Lost"!; Theology Became Biography"; "Pressed into Service." And on, and on, and on. He has a feeling for, and a knack with, the simple word, which, in company with one or two others, must give us pause. Work on titles. Your sound choice of one may woo, win, frighten, embarrass folk to come and hear you share the good news.

THIRD, there is a breadth and a width to G. K.'s reading which is somewhat awesome and disconcerting. How can *he* find the time to read, and many of *us* cannot? He makes it out of the same twenty-four hours God gives you and me each day. He is no name-dropper, but he is acquainted with Pascal and G. K. Chesterton; with Agatha Christie and Robert Frost; with Einstein and Kagawa; with Toynbee and Loren Eiseley. To sit under him as one's minister must have been a liberal education, at the very least.

FOURTH, this man, from reading *and* listening, has a mind stored with pertinent, memorable illustrations, the support material for the religious proposition. Here's a f'rinstance: "A visitor to the Grand Canyon looked at that mighty panorama and said, 'Man, something happened here.' That is what men say when they read the Gospel of Mark" (p. 59). Doesn't this make you ready to go back to Mark and read it again? Here's another: "A main problem of any society is how to be both merciful and just. Usually the man who insists on justice is lacking in mercy. The lady who had her picture taken objected to it, saying, 'I do not think you did me justice.' 'Madam,' was the reply, 'you should ask for mercy rather than justice.' So should we all." The initial chuckle is countered by the last four words.

FIFTH, the book is full of flashing, telling sentences. Space is running out on me, so let me give you but one example: "Long prayers are bad enough in any case, but when they are done to impress people, they are unbearable (p. 79). Every word is understandable; the impact is tremendous. Let me say, as I've said before, style is *the* bridge between the pulpit and the pew.

THESE are some of the pluses. Are there no minuses? Of course, there are. The primary one is the curse, the bedevilment, of the small text: a few words plucked out of con-

text, which are then used to prime one's own theological pump. When one is as well schooled, soundly trained, and alert to theological substance as G. K., then the resultant sermon may well be Christian and orthodox. But more than some of these delightful reflections on the NEB were not derived from the context of the chosen text. In the Foreword, G. K. pleads biblical preaching: "The Bible, of course, is the Christian's guidebook" (p. vii); "The Bible is primarily the Christian preacher's book, and when our preaching ceases to be biblical, it ceases to be relevant" (p. vii). Yet, go back to the second paragraph in this column, and you will notice where "the sparks," which may set our minds aflame, are due to five other sources as well as the NEB. The fact that one starts from an announced biblical text is no guarantee, *per se,* that the sermon will be biblical in its content. In fact, one may preach a biblical sermon without a single specific reference to the Bible. G. K. can, because he is steeped in the Word revealed in the Scriptures. But, in this volume, he makes dangerous use of allegory to guarantee contemporary relevance, and some of his deductions are non-sequiturs. Exegesis should precede exposition and application. Beware of the small text, and, even more, of the truncated text.

Yet, this minus does not invalidate the pluses. Buy the book; but use it cannily. The author draws on his storehouse of treasures, biblical and other, things old and new, which are relevant because they are eternal. I'm going to keep this book by my bedside for refreshment and inspiration, grateful for it and for Gerald Kennedy. END

The Importance of Confidentiality

By Alex B. Aronis

CONFIDENCES must be kept inviolable! They are not to be shared with fellow-clergy, wife, courts of law, or anyone else. They are not even to be written down except under the strictest safeguards.

How does a clergyman with this orientation respond to a commanding officer who wants "appropriate information" concerning one of the men whom the chaplain has been counseling? Does the chaplain refuse? Does he check first with the man for permission to divulge part of the information? Or, recognizing the commanding officer's legitimate concern, does the chaplain discretely provide the information desired?

Results of Study

The importance of confidentiality for the Navy chaplain was one of the issues raised recently in a study involving 606 Navy chaplains and 414 of the commanding officers.[1] The chaplains and commanding officers were asked how important they felt it was for a chaplain to keep confidences. They were to rate this activity on a six point scale of importance with number one of the scale representing "One of the most important activities" and number six representing "one of the least important activities" for the position of Navy chaplain. In addition, the chaplains were requested to give their estimate of what they thought their

commanding officers' opinion would be. The results are shown in the table below with the percentage of responses of each group listed under each of the six points on the scale.

The findings show four things quite clearly: (1) There is a lack of agreement between the opinions of chaplains and the opinions of commanding officers concerning the importance of chaplains keeping confidences.[2] (2) Confidentiality is considered more important by chaplains than by commanding officers. (3) Chaplains estimated their commanding officers' opinions with impressive accuracy.[3] (4) Chaplains have a very strong, though not a completely uniform, commitment to the importance of confidentiality.

Attitudes of Chaplains and Commanding Officers on the Importance of Chaplains Keeping Confidences

	Rating of Importance (percent)					
	One of Most Important Activities					One of Least Important Activities
	1	2	3	4	5	6
Chaplains	89	7	2	1	1	
Commanding Officers	60	17	10	6	5	2
Chaplains' Estimate of Opinions of Commanding Officers	65	15	11	5	3	1

Note. — Number of Chaplains: N — 606; Number of Commanding officers: N — 414.

Commanding Officers' Dilemma

It is not surprising that commanding officers rated confidentiality lower than chaplains. Commanders want access to any information which might bear on the command's mission or its state of readiness; they must know what is happening to their people.

The question which a commanding officer must face, how-

ever, is how he can protect his right to be fully informed and also protect his chaplain's right to retain privileged communications? One of the respondents, an admiral, suggested this rule of thumb: "The chaplains should not betray confidences in general, but should advise the commanding officer/executive officer of problem areas." Another admiral wrote: "Hopefully, both the chaplain and the commander could establish a close enough rapport and feeling of trust and understanding that would preclude rigidity of thought and inaction in those few isolated instances which involve the life or safety of one or more individuals, or an issue vital to the command or members of the command."

Case for Confidentiality

The chaplains as a group demonstrated a firm commitment of confidentiality, probably because that commitment is rooted in at least three traditional reasons. First, chaplains, as men ordained to the service of God, are reconciling agents between man and God. It is because they have this sacred function that clergymen consider themselves bound by the "seal of the confessional." Thus, men and women come to priests, ministers, and rabbis in military uniform to discuss feelings of guilt, anxieties, and other problems expecting that the secrets they communicate to the chaplains will be carefully guarded.

These expectations rest on centuries of ecclesiastical tradition and are guarded by law. St. Augustine wrote in the fourth century, "I know less about the things which I hear in confession than I know about those things about which I know nothing." [4]

It is not only information gained in the course of sacramental confession that clergymen may legally conceal, but also communications made in private counseling between a penitent and a clergyman concerning a matter of conscience. Civilian law in most states recognizes the clergyman's privilege to retain communications of this kind, as does the Code of Military Justice.[5]

Secondly, chaplains are committed to the inviolability of confidences because the secrets are not theirs to reveal. Theologians, physicians, and psychologists insist that the secrets of the pastor's study, the confessional box, the sick

bed, or the counseling room are not the property of the persons who hear the secrets but belong to the persons who entrust their secrets to others. Those secrets cannot be passed on without the owner's consent. The clergyman is thereby bound by an ethical obligation not to reveal.

Thirdly, chaplains are committed to keeping confidences for the sake of their counseling ministry since any threat to secrecy impairs the counseling relationship. If the chaplain is not fully trusted, the person being counseled simply will not share the deeper secrets; thus, the chaplain misses the opportunity to influence a man against the harm that he might be committing or planning to commit against himself or others.

Exceptions

As the table of responses indicates, chaplains do not completely agree. Even among those who consider confidentiality as being extremely important, there would most likely be some who would call for a modification of the strict, say-nothing position. They would want to retain some degree of flexibility in handling information given to them in confidence.

For instance, suppose a man who occupies a position of high responsibility in the command is taking drugs. If the lives of a number of other men are in jeopardy because of this man's habit, should the chaplain, when he is told, be bound to confidentiality because of his religious office, or because the secret belongs to the man, or because trust within the counseling relationship must be maintained? Is it not more redemptive to plead with the man to turn himself in, and, if he refuses, to break the confidence for the sake of those whose lives are in danger?

Chaplains who might break confidence under these circumstances would argue that when faced with the alternative of keeping a confidence or saving others from disaster, they are involved in a tragic moral choice. No matter what they do — keep the secret or reveal it — they go against moral sensitivity. They know that it is wrong to reveal confidences; but they might be willing to break a confidence in order to save a life or to avert a disaster.

Other chaplains would argue that once the barriers of

confidentiality are dropped, for whatever reason, the clergyman blurs his understanding of his priestly function and weakens his capacity to fulfill it. The cogency of the line of thought is reinforced by the fact that chaplains are quite naturally influenced by the expectations of their commanding officers. Chaplains know how their commanding officers feel about confidentiality, as the table makes clear; and one could reasonably presume that some chaplains would be influenced in the direction of their commanding officers' more lenient viewpoint. Thus, one might expect a chaplain to find it easier and easier, once he lowered the confidentiality barrier, to share more and more information from confidential interviews.

Sub-groups

No statistical differences[6] were found between sub-groups of chaplains or between sub-groups of commanding officers. The chaplain sub-groups included Protestant chaplains, Catholic chaplains, chaplains in supervisory or administrative billets, and chaplains in pastoral billets. Thus, there were no statistical differences between the responses of the Protestant versus Catholic chaplains or between the more senior chaplains — those in supervisory and/or administrative billets — versus the more junior chaplains — those in pastoral billets.

Nor were there any differences between the responses of the Protestant versus the Catholic commanding officers or the responses of the Navy versus the Marine Corps commanding officers.

In comparing each sub-group with all of the others, it was found that the sub-group which attached the highest importance to confidentiality and which also was the most harmonious in its opinion was the more senior chaplains, those in supervisory and administrative billets. The sub-group which attached the least amount of importance to confidentiality was the Marine Corps commanding officers.

Surprises

Thirteen percent of the commanding officers considered keeping confidences as one of the less important activities for Navy chaplains. I doubt that this information surprises

chaplains since the table above shows that chaplains expected nine percent of the commanding officers to have this opinion. What may be astonishing, however, is for chaplains to learn that two percent of their colleagues agreed with the commanding officers. The actual number was nine chaplains, all of whom occupied pastoral billets as opposed to administrative/supervisory billets.

This is a very small percentage of chaplains, nine out of 606; and yet one wonders about these chaplains in light of the fact that a clergyman has both the moral obligation and full legal right to respect the confidences of others when he functions in his professional role of confessor or counselor.

Far more predictable and enlightened, it seems to me, were the responses of 98 percent of the chaplains and 87 percent of the commanding officers who indicated that the chaplain's traditional privilege to hear and retain confidences is one of his more important activities. Presumably, they responded in this manner out of a settled concern for the individual's right of privacy and his need for an intimate, confidential relationship with his chaplain.

The questionnaire did not touch on many aspects of confidentiality; how much should be revealed, to whom, under what circumstances, with what authority, and for what purpose. It did seek to discover, however, the relative importance of confidentiality as compared with other functions and activities of chaplains.

The findings are that chaplains rank only one activity of the thirty listed in the questionnaire as being more important: conduct divine services for the worship of God. Commanding officers ranked keeping confidences as fifth in the list of thirty. Thus, the vast majority of chaplains and a large percentage of commanding officers made it quite clear, that they believe a chaplain should be a person to whom individuals can open their hearts without fear of disclosure.

FOOTNOTES

[1] Alex B. Aronis, *A Comparative Study of the Opinions of Navy Chaplains and Their Commanding Officers on Role Expectations, Deficiencies, and Preferred In-Service Education for Navy Chaplains.* (unpublished Doctor's dissertation, The American University, 1971).

[2] The Chi Square statistic computed from the responses of the two groups was 23.2. A value of 9.2 would have been necessary to indicate that the difference between the two sets of responses was merely a matter of chance rather than a real difference in viewpoint. (Chi Square is used as a test of significance for data that are in percentages or frequencies. In this case, the Chi Square demonstrated that the difference in percentages was not merely a matter of chance but rather a real difference in viewpoint.)

[3] The Chi Square computed from the responses of commanding officers and the chaplains' estimates of the opinions of the commanding officers was 1.1, thereby showing that there was no significant difference between the two groups of responses.

[4] Quotation attributed to St. Augustine by John J. Lynch, "Medical Secrecy: Some Moral Aspects," *Linacre Quarterly* 29:20.

[5] *The Manual for Courts Martial,* 1969 Revised edition, pp. 151b-152; also American Jurisprudence Encyclopedia, 1958, pp. 296-97.

[6] A difference which is sufficiently large statistically to indicate that it did not occur through chance. END

"WHAT DOES A CHAPLAIN DO?"

Often in my travels, people have asked me, "What does a chaplain do?" Recently, I found a "Job" description I would like to share with you.

"The chaplain teaches, though he must solicit his own classes. He heals though without pills or knife. He is sometimes a lawyer, often a social worker, something of an editor, a bit of a philosopher and entertainer, a salesman, a decorative piece for public functions, and he is supposed to be a scholar. He visits the sick, marries people, buries the dead, labors to console those who sorrow and to admonish those who sin, and tries to stay sweet when chided for not doing his duty. He plans programs, appoints committees when he can get them; spends considerable time in keeping people out of each other's hair; between times he prepares a sermon and preaches it on Sunday to those who don't happen to have any other engagement. Then on Monday he smiles when some jovial chap roars, 'what a job—one day a week!' "

—CDR Edward S. Kuzawa, CHC, USN
Naval Station, Norfolk, Virginia

"You Have My Wholehearted Support!"

By John D. Ryan

(The following address was given by General John D. Ryan, Chief of Staff, USAF, at a conference of Air Force Command Chaplains, held at Wright-Patterson AFB, Ohio, in the fall of 1972.)

THANK you, Chaplain Terry. I am glad to be with all of you again. Last fall, when I addressed this conference, you were beginning a year of concentration on the Now Family. The supplement to the Commanders' Policy Letter printed my remarks to you then under the title, "The Commander and the Chaplain." Now even though your theme this year is, "God is Hope, God is Now," I assure you this morning's talk is not on "The *Supreme* Commander and the Chaplain."

I do want to examine your chaplaincy in the Air Force from a high level, but not quite that high. I want to focus attention on a daily concern of yours at every level — the individual Air Force member. Regardless of the particular denomination you represent, as chaplains you have a primary responsibility to the individual wherever encountered. Certainly any affirmation of your "conference theme" must be to the individual.

The most basic of all American characteristics is the belief in individual freedom and rights. Real and imagined attacks on the individual, and the resulting reactions, underlie many of the issues and problems that confront us in contemporary life. Americans are so watchful on this point that virtually anything, from *technology* to any *large organization* to *society* itself, has been portrayed as standing in opposition to individual freedom

and rights. I can see several aspects about the nature and responsibilities of the Air Force — including *technology*, a *large organization*, and *society* — that will have a direct bearing on your ministry to individual Air Force members.

ONE of the most significant characteristics of the Air Force of today and tomorrow is the importance of technology to our operation. We depend heavily on the results of scientific research and technology to provide us the means to accomplish our mission. As a result, most Air Force personnel, probably a larger percentage than in the general population, have a realistic attitude toward technology. Yet, as many of you know, we live in a time when it is fashionable to place the blame for many individual, institutional, and societal problems on technology. You also know that wherever technology may be perceived as the new faith, the computer is viewed as its prophet. Your own base-level examination of this year's conference theme revealed that many participants thought that people find it difficult to believe God is Hope, God is Now because "modern technological man's self-sufficiency tends to make God functionless."

So, how are you affected?

You are very likely to find yourself helping someone who only perceives the extensive presence of technology in his daily Air Force life and who completely fails to understand the reason it is there or the resulting benefits. Obviously you, as chaplains, will not be presented with this situation in such a clear cut way. You will wait in vain for an airman to approach you and say, "Chaplain, we are ruled by machines. Our souls belong to the computer. Life is meaningless." Yet any individual, who does despair that his life or contemporary life in general is devoid of meaning or value, could conceivably see technology as the major evil of the times as, indeed, many do.

Where such an attitude exists, instilling belief that "God is Hope, God is Now" involves, above all else, putting life into proper perspective toward machines, computers and, in fact, all technology. All are tools to help man.

ANOTHER basic characteristic of the Air Force is our size— we are a large organization and are likely to remain one in the future. Yet — like technology, large organizations, especially large military organizations, are typically cast as adverse to the individual. In fact, much objection to the military and to military service in the past was based on the extent to which individual choice and freedom were ignored and denied in the achievement of military missions. Accomplishment of our as-

signed mission still takes precedence. But individual preferences can be accommodated within the overall achievement of our mission to a substantial degree.

Although we rely on technology as a means to do our job, we rely most of all on people. Whatever the effect of the technological orientation of the Air Force on your work as chaplains, it is essentially unplanned, accidental. In sharp contrast, the current status of, and opportunities for, the individual in the Air Force are far from accidental and unplanned. We are making a deliberate, conscious effort to make working and living as a member of the Air Force satisfying and fulfilling for the individual. As a result of efforts to do this wherever possible, the individual now possesses control over his Air Force career to a degree hardly thought possible in the past. He now has a direct voice in determining what he does — his job specialty, and where he does it — his duty location. He now has a multitude of ways to influence and even change policies and practices in his unit and the Air Force. He has a good idea about what his entire career in the service is going to be like, including what his grade and level of responsibility is likely to be at any given point in that career. Most important, through the visibility already in the airman promotion system and that which we are working for in officer promotions, he has definite knowledge of what is required for promotion and where he stands in comparison to those with whom he competes for promotion.

JUST as we are making a deliberate, wide-ranging effort to eliminate any injustices and inequities to the individual that might be peculiar to the Air Force as a large organization, we are also consciously trying to solve those problems of denied individual rights which we share with society at large. I refer primarily to racial discrimination. Simply because we share this problem with all of American society does not excuse the military's past inability to solve its racial problems. Because of the uniqueness of military life, our capacity to effect change in this area greatly exceeds that of civilian society. In addition, we must realize that our race problems are not a result of the "system" or an institution. Our problems stem from the people that make up the system. Simply stated, racial strife is caused by individuals interacting with one another.

Last year I had occasion to sign out to the field an Air Force regulation which formally established many long accepted standards of behavior. One standard addresses racial discrimination. In language deliberately stern, unmistakenly clear, this regulation states that "discrimination by act or inference will not be

tolerated." Commanders are expected to enforce that standard. I expect that violations of that standard as well as any other standard will result in appropriate action — *administrative or judicial.*

It's very important that we understand what we mean by discrimination. Discrimination is not simply a slip of the lip or a secret dislike of someone because of his color or religion. Discrimination is also a very purposeful act intended to deny just and equal opportunity to another. Unfortunately, it sometimes manifests itself in the supervisor-subordinate relationship. In view of our experience since 1947, full equality for all our people must be actively pursued rather than assumed. Insurance that none of our people are denied any right or benefit due to a circumstance of birth is *mission essential.*

Assumption of command is a heavy responsibility. Today, command may well mean exposure to serious racial problems and the requirement for fast, dynamic solutions. Many times, a considerable amount of personal courage is required. The Air Force chaplain can and must play a vital role in assisting commanders to cope with any racial problem. The chaplain can exercise his position of trust and confidence to advise and encourage commanders to take the right course of action. In this regard, I encourage you to establish a close working relationship with Social Actions personnel. Many of the disaffected and desperate may come to you rather than the Social Actions Office, or vice versa. It is, therefore, vital that you work in close liaison with the Social Actions Office.

Perhaps the most significant consequence of all this is that we are making progress in eliminating many of the old scapegoats for individual dissatisfaction and despair. In many cases, an element of hope for the individual has been placed in situations and circumstances where there were none before.

The direction an individual's life takes in the Air Force is becoming more and more the responsibility of that individual. In decreasingly fewer cases can lack of satisfaction or success be reasonably blamed on the "system." It *never* could reasonably be blamed on technology or automation.

This makes your job more difficult. It is possible to eventually correct any wrong done to a victim of a "system" or resulting from circumstances beyond the individual's control. In fact, it is one of the chaplain's primary moral responsibilities to insure that any such wrongs that he is aware of are corrected. The greater challenge is in helping to establish a positive outlook and adjustment in the life of those who, for the most part, have controlled their own destiny and still despair. In view of what the current trends in American foreign and national defense policies

mean for the Air Force and its members, it is a critically important challenge. The dedication, pressure, long hours, constant alerts and separations that must be a part of their lives and their families' lives will be in ever sharper contrast to a world relaxed because of the existence of an arms limitation treaty and the apparent easing of tensions with the Soviet Union and China.

One might wonder where the dedication, the devotion to duty and country, and the unselfish sacrifice that characterize the service of Air Force personnel come from? Certainly there are a variety of sources. They come in part from a strong belief in the subject I have been talking about this morning — the rights and freedom of the individual. The fact that in no other country is individual liberty greater still makes many willing to assume great personal risk and sacrifice to defend and preserve it.

Whatever the source of this dedication, it must be sustained. I know of no more effective sustenance for Air Force members than the positive affirmation of life that a chaplain can achieve in the daily accomplishment of his duties. To this end, you have my wholehearted support and best wishes for success in the conference and the years that lie ahead. END

Thank you.

NEWS ROUNDUP

General Haines is Honored

General Ralph E. Haines, Jr.

FORT MONROE, VA — General Ralph E. Haines, Jr., was honored at the monthly Men and Women of the Chapel luncheon here for his "aggressive and dynamic support given to the moral and spiritual programs within the United States Army."

An appreciation scroll was presented to the Continental Army Commander by Army Chief of Chaplains, Major General Gerhardt W. Hyatt. An Episcopalian,

General Haines was cited in particular for his Duty Day with God Retreat concept. First initiated with the 1st Armored Division at Ft. Hood, Texas, in 1962, it is now an Army-wide program. He was also cited for his long-standing practice of sponsoring and participating in layman's prayer breakfasts. His philosophy of leadership espousing the "total man concept" was described as "meeting the total needs of the military community."

The scroll concluded, "As we reluctantly recognize the lengthening shadow of your active military career, it is with immense gratitude that we recognize your faithfulness as a soldier of merit and a servant of God."

General Haines retired on 31 January, 1973 after more than 35 years of active service.

(Above, l-r) LTC D. E. Mueller, Manpower Division, Selective Service Hq., Chaplain (CPT) Richard O. Stenbakken, Ft. Lewis, Wash.; Elder Charles D. Martin, Associate Director, Seventh-day Adventist National Service Organization; Mrs. Garrett and RAD Francis L. Garrett, Chief of Navy Chaplains; and LT Herman Kibble, CHC, USNR, MCAS, El Toro, CA., arrive for the buffet dinner.

Seventh-day Adventists Confer

SEVERAL challenging papers on the theme, "Ministry in the 70's to Young Christian Adults" highlighted the 17th annual conference and retreat for Seventh-day Adventist chaplains, held at the church's Washington, D.C. headquarters last fall.

Special guests included RAD Francis L. Garrett, CHC, USN, Ch Chief of Navy Chaplains, Ch (COL) William V. Goldie and Ch, COL, Thomas M. Campbell, personnel officers of the Army and Air Force Chiefs of Chaplains, the Rev. Messrs. A. Ray Appelquist and Edward I. Swanson of the General Commission on Chaplains, and LTC D. E. Mueller of the National Selective Service System.

Elder Clyde O. Franz (1), Secretary of the General Conference of Seventh-day Adventists, introduces the Rev. Edward I. Swanson, CHAPLAIN Editor, to Civilian Chaplain and Mrs. Wayne Andrews who direct the Adventist Servicemen's Center at San Antonio.

(Above) Bishop Edward T. O'Meara, National Director of the Society for the Propagation of the Faith, delivered the address at the Ft. Dix ecumenical Thanksgiving service. Pictured above, front row, are (l-r) COL William A. Martin, Post Chaplain; Bishop O'Meara; GG Julius W. Becton, Jr., DCG, HQ, USATCI, Ft. Dix; and LTC William I. Wetzel. Back row: COL Jack Ostrovsky; CPT John Lynch, and CPT George Hattle. Approximately 600 people attended.

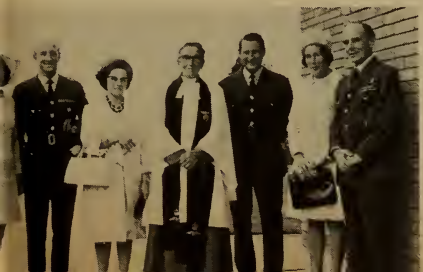
(Above) MAJ GEN Robert E. Pursley, Vice-Commander, Fifth Air Force, Japan, greets a guest at an initial luncheon meeting of the newly organized Yokota Men of the Chapel, an ecumenical group whose mission will be personal growth and service to people. "Nurture the spiritual dimension so you are the complete person who can contribute the maximum to job, family, and self" was General Pursley's thesis.

(Left) CARLISLE BARRACKS, PA. — LTC Clarence L. Reaser, Post Chaplain, congratulates Mrs. Bertha Chronister who celebrated her 90th birthday on 13 Dec by attending the annual Christmas Tea at Carlisle Barracks. She was among 180 senior citizens from eight Carlisle Homes for the Aged who attended the holiday party. Everyone sang "Happy Birthday" to the nonagenarian who lives at Claremont Farms near the Barracks.

(Right) Marines singing during the dedication of the first Marine Corps chapel in Thailand. Located at Nam Phong Royal Air Base, it serves the men of TASK FORCE DELTA. LT Victor H. Smith, LCDR Philip J. Holwager, and LCDR James R. von Meysenbug, all chaplains, USN, officiated at the service.

(Left) Air Force Reserve chaplains is the subject under discussion at the Air Reserve Personnel Center, Denver, Col. (l-r) are Ch, Col, James P. Rickards, Command Chaplain, ARPC, Ch, Col, Harvey C. Holland, Staff Chaplain, Ch, BG designate, Henry J. Meade, Deputy Chief of Chaplains, USAF, Ch, Lt Col, Francis P. McConnell, Asst. Cmd. Chaplain, ARPC, Ch, Col, Raymond J. Calkins, Staff Chaplain, and Ch, Maj, Gerard M. Brennan, Ecclesiastical and Public Relations, USAF.

(Below) British Chaplain and Mrs. Leslie Badham (center) are shown with ranking RAF officers at a recent graduation parade at Hereford, England. He is Chaplain to Her Majesty the Queen and author of "Verdict on Jesus," a popular book on Christian evidences, published by Hodder & Stoughton, London.



(Below) Chaplain (Maj) John A. Szilvasy, USA, a UCC chaplain, confers with Prof. Richard Scheef at the Summer Session of Eden Theological Seminary, Webster Groves, Mo. Chaplain Szilvasy is working toward the Doctor of Ministry Degree and plans to continue his work in the Summer Session of 1973 scheduled for 11 June-6 July.

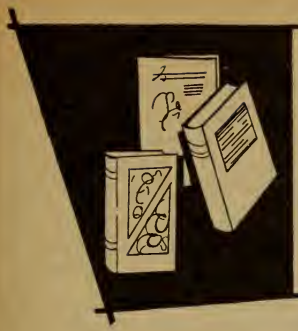
Executive Changes

WE NOTE SOME recent changes among civilian chaplaincy executives, some new organizational relationships and different names for denominational chaplain agencies. As of January 1, 1973, a consolidated agency was established for chaplains of the Associate Reformed, Cumberland, Presbyterian, U.S., and United Presbyterian Churches. The new office will be called the Presbyterian Council for Chaplains and Military Personnel. The agency will be housed in Washington, D.C., at the location of the former United Presbyterian chaplaincy office. Dr. Robert B. Harriman has been appointed as executive with two associates, the Rev. James J. Alexander, formerly of the Presbyterian, U.S. chaplaincy office in Atlanta, and Chaplain S. David Chambers, currently on the staff of the United Presbyterian Chaplaincy office. Hereafter, chaplains representing the new Council will be designated on military chaplaincy rosters simply as Presbyterian.

The Rev. Gordon Anderson, a World War II Army chaplain, recently became chaplaincy endorsing official of the Baptist General Conference, with headquarters in Chicago, Illinois. Mr. Anderson is his denomination's executive for Home Missions. Another new endorsing official is Brigadier Ernest Holz of the New York office of the Salvation Army who replaced Colonel Emil Nelson who retired.

At the beginning of this year American Baptists dropped the word "Convention" from their name and are now officially American Baptist Churches in the U.S.A. At the same time the United Methodist's chaplain agency was given a formal change in organizational relationships with its denomination and a slightly modified agency name. The full and proper designation now is Division of Chaplains and Related Ministries, Board of Higher Education and Ministry, the United Methodist Church.

The Rev. Cyril Best has left his position as Executive Assistant in the office of the Episcopal Church's Bishop for the Armed Forces. His replacement, Chaplain (COL) Charles L. Burgreen, USA, will report in April.



BOOKS

PUBLISHERS' ADDRESSES AT END OF BOOK SECTION

New Hope for Congregations by LOREN B. MEAD. Seabury Press. 1972. 128 pp. $2.95 (paper).

This is an important book, one which has already drawn the attention of many chaplains as well as a growing group of civilians who care greatly about the quality of congregational life. The Director of Project Test Pattern, an Episcopal research effort in the dynamics of parish development, Mr. Mead describes not merely *what* happened in the development of four congregations, but *how* it occurred. "These are not particularly unusual parishes, but some unusual things have come to happen in them" (p. 27). The summary chapter, "Learnings About Parish Life," asserts that "Congregations can change"; "Congregations have history — lack of a sense of history is a major source of the trapped feeling people get in congregations"; "Congregations are unique . . . any congregation of Christians can carry out its own distinctive ministry with success and integrity . . ."; Congregations are corporate, interpersonal systems — much of the life of the congregation is determined by things that are hard to define — the way people relate to one another, the way information is communicated, the patterns of behavior that are accepted, the way decisions are made and carried out." There is good counsel in his "Learnings About the Process of Change in Congregations." Mr. Mead declares flatly that "the parish is here to stay . . . Local congregations are exceptionally tough institutions." There *is* hope. EIS

What's a Nice Church Like You Doing in a Place Like This? compiled by WAYNE ROBINSON. Word. 1972. 125 pp. $3.50.

A symposium of strong, creative commentary on the failures of the church and what Christians are striving to be in certain inspiring instances. There are chapters by James Armstrong, William Sloane Coffin, Jr., Gregory Baum and others.

Days of Anguish, Days of Hope by BILLY KEITH. Doubleday. 1972. 216 pp. $5.95.

Finally, we now have an authentic, full length story about a chaplain. This account is both down-to-earth and as penetrating as the stark realities of World War II. The story of Chaplain Robert Preston Taylor is a saga of courageous and persevering ministry that begins on the eve of the war in the Philippines and moves through the Bataan death march, incredible brutality in prisoner of war compounds and on "hell ships," to eventual repatriation and a chaplaincy career climaxed by service as Chief of Chaplains of the U. S. Air Force.

This is the chaplaincy at its best and the only book one needs to read to get some feel for what the chaplaincy is all about. The book deserves to be a best-seller and it ought to make a magnificent film if the skills could be found to faithfully portray its authenticity.

Electric Evangelism: How to Spread the Word Through Radio and TV by DENNIS BENSON. Abingdon. 1973. 144 pp. $3.95.

Advice, information and enthusiasm for the religious uses and potential of modern media.

Healing and Christianity by MORTON T. KELSEY. Harper & Row. 1973. 398 pp. $8.95.

From the book jacket: "The first comprehensive history of sacramental healing in the Christian church from biblical times to the present." An impressive reference work in a field of growing interest.

Karl Barth by DAVID L. MUELLER. Word. 1972. 172 pp. $4.95.

This is one volume in a series on "Makers of the Modern Theological Mind," edited by Prof. Bob E. Patterson of Baylor University. Other books in the series are on Dietrich Bonhoeffer, Rudolf Bultmann, Charles Hartshorne and Wolfhart Pannenberg. Each man and his contribution is handled by a competent scholar. There is a good balance between scholarship and popular presentation of the material. A helpful series, eminently suitable for use as a text or collateral reading for a study group.

A Feast For a Time of Fasting by LOUIS CASSELS. Abingdon. 1973. 95 pp. $2.95.

A wise and gently probing book of meditations for Lent. There's a verse of Scripture and an apt and timely essay plus a brief prayer for each of the 40 days of the traditional observance. The book also lends itself to reading at a single sitting. The author is senior correspondent with United Press International.

Contemporary Christian Trends edited by W. M. PINSON and C. E. FANT, JR. Word. 1972. 217 pp. $5.95.

What is the church doing these days and what is it thinking about? These are the two general categories into which the chapters of this book are placed. True-

blood, Blake and others are in the first group. Marty and Kitagawa are among the contributors in the second. Very competent summaries representing a range of theological specialties and stances.

A Dictionary of Liturgy and Worship edited by J. G. DAVIES. Macmillan. 1972. 385 pp.

A solid, helpful reference for a chapel library or for a personal collection of working tools. Working from a general premise that "worship is primary and theology is secondary," the editor has assembled a comprehensive list of definitions and extended articles. A generous number of photographs and drawings are included.

LIST OF PUBLISHERS' ADDRESSES

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Executive Staff, The General Commission on Chaplains and Armed Forces Personnel
Left: Dr. A. Ray Appelquist, Executive Secretary
Right: The Reverend Edward I. Swanson, Director of Publications

Editorial Associates

Msgr. Marbach

Rabbi Michelson

CDR Geeza

Contributors

LYMAN R. COLEMAN (CAPT) is an Anglican Chaplain at St. Luke's Chapel, CFB Gagetown, Oromocto, N.B., Canada. He returned last summer from a tour with Canadian U.N. Forces on Cyprus.

ALEX B. ARONIS (LCDR) is chaplain at the Naval Station (Subic Bay, Philippines), FPO San Francisco 96651. He has done extensive research on the Navy Chaplaincy.

GENERAL JOHN D. RYAN is Chief of Staff, USAF.

The offices of The General Commission on Chaplains and Armed Forces Personnel are in the Chaplains Memorial Building on Capitol Hill in Washington, D.C., directly across from the United States Supreme Court. The large mansion with a walled garden was for twenty years the residence of Senator Hiram Johnson of California.

In 1949 the property was purchased and given to the Commission by the churches of the United States in memory of 134 Protestant chaplains who died in World Wars I and II. Here are housed the general and editorial offices, committee rooms, a library of chaplaincy materials, and a memorial chapel. Bronze tablets in the chapel list the names of chaplains who lost their lives in recent wars.